

Minutes of the Regular Business Meeting of the  
Board of Mayor and Aldermen of the City of Kingsport, Tennessee  
Tuesday, December 21, 2010, 7:00 PM  
Large Court Room – City Hall

PRESENT:

Board of Mayor and Aldermen

Mayor Dennis R. Phillips, Presiding

Alderman Valerie Joh

Vice-Mayor Benjamin K. Mallicote

Alderman Larry A. Munsey

Alderman Tom C. Parham

*(left at 7:50 p.m.)*

Alderman Jantry Shupe

City Administration

John G. Campbell, City Manager

J. Michael Billingsley, City Attorney

James H. Demming, City Recorder

- I. **CALL TO ORDER:** 7:00 p.m., by Mayor Dennis R. Phillips.
- II.A. **PLEDGE OF ALLEGIANCE TO THE FLAG:** Ben Hasper
- II.B. **INVOCATION:** By Alderman Larry A. Munsey.
- III. **ROLL CALL:** By City Recorder Jim Demming. Absent: Alderman Charles K. Marsh, Jr.
- IV. **RECOGNITIONS AND PRESENTATIONS.** None.
- V. **APPROVAL OF MINUTES.**

Motion/Second: Munsey/Parham, to approve minutes for the following meetings:

A. December 6, 2010 Regular Work Session

B. December 7, 2010 Regular Business Meeting

Approved: All present voting "aye."

VI. **COMMUNITY INTEREST ITEMS.**

AA. **PUBLIC HEARINGS.** None.

A. **PUBLIC COMMENT.** Mayor Phillips invited citizens in attendance to speak about any of the remaining agenda items. There being no one coming forward to speak, the Mayor closed the public comment segment.

**NOTE:** To accommodate guests in the audience, Mayor Phillips addressed the following items out of order; Item VI.D.11 (Alderman Parham left the meeting after this item), Item VI.B.4, Item VI.B.1, Item VI.B.3 and Item VI.D.7. Item VI.B.2 resumed the regular agenda schedule.

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**B. BUSINESS MATTERS REQUIRING FIRST READING.**

**1. Consideration of an Ordinance to Amend the FY11 Federal Projects Fund Budget (AF: 355-2010).**

Motion/Second: Munsey/Mallicote, to pass:

AN ORDINANCE TO AMEND THE SCHOOL FEDERAL GRANT PROJECTS FUND BUDGET; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

**2. Consideration of an Ordinance to Appropriate 2009 and 2010 Payments Made to Kingsport Fire Department for Domtar Training to Purchase Property for Fire Station #3 and to Appropriate Funds to the Fire Training Facility/Equipment Project (AF: 387-2010).**

Motion/Second: Joh/Shupe, to pass:

AN ORDINANCE TO AMEND THE GENERAL PROJECTS FUND BUDGET BY APPROPRIATING FUNDS RECEIVED FROM DOMTAR PAPER COMPANY AND BY TRANSFERRING FUNDS FROM THE FIRE DEPARTMENT TRAINING FACILITY PROJECT FOR THE YEAR ENDING JUNE 30, 2011; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

**3. Consideration of an Ordinance to Amend the FY11 General Purpose School Fund and School Nutrition Services Budgets (AF: 397-2010).**

Alderman Munsey asked Superintendent Dr. Richard Kitzmiller to explain if the \$600,000 increase in this budget was related to the Student Lunch Program. Dr. Kitzmiller stated this increase was the result of the fund balance building up over the years and will be used to replace obsolete and inefficient equipment.

Motion/Second: Joh/Munsey, to pass:

AN ORDINANCE TO AMEND THE GENERAL PURPOSE SCHOOL FUND AND THE SCHOOL NUTRITION SERVICES FUND BUDGETS; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

**4. Consideration of a Resolution Authorizing the Mayor to Execute All Documents Necessary and Proper for the Design and Engineering Services for the Schools Central Office Project and the Renovation of the Current Schools Central Office for Dobyns-Bennett High School and Consideration of an Ordinance Amending the General Project Funds to Fund the Central Office Project for the Fiscal Year Ending June 20, 2011 (AF: 403-2010).** City Manager Campbell gave details on this item noting this was the most cost-effective solution to move forward with this project.

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Motion/Second: Joh/Shupe, to pass:

**Resolution No. 2011-145**, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS AND AGREEMENTS NECESSARY AND PROPER FOR DESIGN AND ENGINEERING SERVICES FOR THE CENTRAL OFFICE PROJECT AND THE RENOVATION OF THE CURRENT CENTRAL OFFICE FOR DOBYNS-BENNETT HIGH SCHOOL

Passed: All present voting "aye."

Motion/Second: Joh/Shupe, to pass:

AN ORDINANCE TO AMEND THE GENERAL PROJECT FUNDS TO FUND THE CENTRAL OFFICE PROJECT FOR THE FISCAL YEAR ENDING JUNE 30, 2011; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

**NOTE:** This ordinance was read in its entirety as it was not pre-filed with the City Recorder's Office. Alderman Munsey and Alderman Shupe suggested finding another method of adopting unfiled ordinances in the future for the purpose of saving time during the regular business meeting.

**C. BUSINESS MATTERS REQUIRING FINAL ADOPTION.**

**1. Consideration of Ordinances to Annex/Amend Zoning of the VFW Annexation (AF: 376-2010).**

Motion/Second: Munsey/Shupe, to pass.

**ORDINANCE NO. 6049**, AN ORDINANCE TO ANNEX THAT CERTAIN TERRITORY ADJOINING THE PRESENT CORPORATE BOUNDARIES OF THE CITY OF KINGSFORT, EMBRACING THAT CERTAIN PART OF THE 14<sup>TH</sup> CIVIL DISTRICT OF SULLIVAN COUNTY, TENNESSEE, AND KNOWN AS THE VFW ANNEXATION, AS HEREINAFTER DESCRIBED; TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF KINGSFORT, TENNESSEE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Joh, Mallicote, Munsey, Shupe and Phillips voting "aye."

Motion/Second: Joh/Shupe, to pass.

**ORDINANCE NO. 6050**, AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG V.F.W. ROAD TO B-3, GENERAL COMMERCIAL DISTRICT IN THE 14<sup>TH</sup> CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Joh, Mallicote, Munsey, Shupe and Phillips voting "aye."

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**D. OTHER BUSINESS.**

**1. Consideration of a Resolution Authorizing the Mayor to Sign All Necessary Documents to Review Worker's Compensation Reinsurance Coverage through Safety National Casualty Corporation (AF: 390-2010).**

Motion/Second: Shupe/Joh, to pass:

**Resolution No. 2011-134, A RESOLUTION APPROVING THE RENEWAL WITH SAFETY NATIONAL INSURANCE CORPORATION FOR WORKERS' COMPENSATION REINSURANCE AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT**

Passed: All present voting "aye."

**2. Consideration of a Resolution to Ratify the Mayor's Signature in Signing All Documents Necessary to Apply for and Receive a Tennessee Agricultural Enhancement Program – Farmer's Market Promotion & Retail Grant (AF: 391-2010).**

Motion/Second: Shupe/Joh, to pass:

**Resolution No. 2011-135, A RESOLUTION TO RATIFY THE MAYOR'S SIGNATURE ON ALL DOCUMENTS NECESSARY AND PROPER TO APPLY FOR AND RECEIVE A TENNESSEE AGRICULTURAL ENHANCEMENT PROGRAM-FARMER'S MARKET PROMOTION AND RETAIL GRANT**

Passed: All present voting "aye."

**3. Consideration of a Resolution Authorizing the Mayor to Execute a Right-of-Way Easement with Kingsport Power Company (AF: 392-2010).**

Motion/Second: Joh/Mallicote, to pass:

**Resolution No. 2011-136, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A RIGHT-OF-WAY EASEMENT WITH KINGSFORT POWER COMPANY**

Passed: All present voting "aye."

**4. Consideration of a Resolution to Accept a Donation of a Greenbelt Walkway Easement from Lee Buckner (AF: 393-2010).**

Motion/Second: Shupe/Joh, to pass:

**Resolution No. 2011-137, A RESOLUTION TO ACCEPT A DONATION OF A GREENBELT WALKWAY EASEMENT FROM LEE BUCKNER**

Passed: All present voting "aye."

**5. Consideration of a Resolution to Assess Costs on Abutting Property Incurred for Street Lighting in the Linville Street Lighting Improvement District No. 1 (AF: 381-2010).** City Manager Campbell gave details on this item

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explaining the actual cost was actually lower than the quoted price at the start of the project. Mayor Phillips noted that this project was completed at the request of the community.

Motion/Second: Shupe/Joh, to pass:

**Resolution No. 2011-138**, A RESOLUTION ASSESSING THE COSTS ON ABUTTING PROPERTY FOR STREET LIGHT IMPROVEMENT IN THE LINVILLE STREET LIGHTING IMPROVEMENT DISTRICT NO. 1 AND AUTHORIZING THE MAYOR AND CITY RECORDER TO EXECUTE ANY DOCUMENTS NECESSARY TO SECURE LIENS FOR SAID COSTS

Passed: All present voting "aye."

**6. Consideration of a Resolution to Authorize the Mayor to Sign the Application for Federal Assistance from the USDA/Rural Development – Greeneville Office for the Beech Creek/Van Hill Waterline Extension** (AF: 398-2010). Public Works Director Ryan McReynolds presented this item stating this 14 mile long project has been in the works for several years and was initially requested by the community through State Representative Dale Ford. Mr. McReynolds explained the funding sources and noted there would be revenue generated to cover any costs. City Manager Campbell stated the City is fortunate to be able to help in this capacity.

Motion/Second: Shupe/Joh, to pass:

**Resolution No. 2011-139**, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO APPLY FOR AND RECEIVE FUNDS FROM THE UNITED STATES DEPARTMENT OF AGRICULTURE RURAL DEVELOPMENT FOR THE BEECH CREEK/ VAN HILL WATERLINE EXTENSION

Passed: All present voting "aye."

**7. Consideration of a Resolution Awarding the Bid for Various Grocery Items for the City of Kingsport School Food and Nutrition Program to Gordon Food Service and Authorizing the Mayor to Sign All Applicable Documents** (AF: 399-2010).

Motion/Second: Joh/Munsey, to pass:

**Resolution No. 2011-140**, A RESOLUTION AWARDED THE BID FOR VARIOUS GROCERY ITEMS FOR USE BY KINGSFORT SCHOOL NUTRITION PROGRAM TO GORDON FOOD SERVICE AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER FOR THE SAME

Passed: All present voting "aye."

**8. Consideration of a Resolution Approving a Lease Agreement with Kingsport Housing and Redevelopment Authority for Office Space in the V.O. Dobbins Complex** (AF: 400-2010).

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Motion/Second: Munsey/Shupe, to pass:

**Resolution No. 2011-141**, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A LEASE AGREEMENT BETWEEN THE CITY OF KINGSFORT AND THE KINGSFORT HOUSING AND REDEVELOPMENT AUTHORITY FOR CERTAIN SPACE IN THE V. O. DOBBINS SENIOR COMPLEX LOCATED IN THE CITY OF KINGSFORT

Passed: All present voting "aye."

**9. Consideration of a Resolution Authorizing the Mayor to Sign All Applicable Documents Necessary and Proper to Establish the Kingsport Higher Education Foundation, Inc.** (AF: 401-2010). City Manager Campbell presented this item noting that Kingsport led the country with the Educate and Grow Program to assist 1<sup>st</sup> and 2<sup>nd</sup> year students. This new initiative will benefit 3<sup>rd</sup> and 4<sup>th</sup> year students. These students could be traditional continuing students or they could be returning students who had to take time off from their continuing education.

Motion/Second: Joh/Shupe, to pass:

**Resolution No. 2011-142**, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO ESTABLISH THE KINGSFORT HIGHER EDUCATION FOUNDATION, INC, A NOT FOR PROFIT CORPORATION

Passed: All present voting "aye."

**10. Consideration of a Resolution Authorizing the Mayor to Sign All Applicable Documents Necessary and Proper to Purchase 2032 Netherland Inn Road** (AF: 402-2010). City Manager Campbell gave details on this item stating this resolution establishes the City's interest to the King College Foundation to purchase this property for the purposes of constructing a future road to connect West Stone Drive to Netherland Inn Road at Ridgefields Road. Mr. Campbell further stated that normal Tennessee Department of Transportation procedures would be followed to acquire this property.

Motion/Second: Munsey/Shupe, to pass:

**Resolution No. 2011-143**, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER FOR THE PURCHASE OF PROPERTY LOCATED AT 2032 NETHERLAND INN ROAD

Passed: All present voting "aye."

**11. Consideration of a Resolution Allowing the Mayor to Enter into an Agreement with the Industrial Development Board of the City of Kingsport and an Interlocal Agreement with Sullivan County, TN Pertaining to Certain Economic Development Matters and Authorize the Mayor to Sign All Documents Necessary and Proper to Effectuate the Purposes of the Agreements** (AF: 404-2010). Mr. Richard Venable with NETWORKS of Sullivan County presented details on this item, noting that Kingsport was one of two locations being considered for the first American

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plant site of a European-based company. Mr. Venable described the company's history and future business plans. He related they are requesting the City of Kingsport, along with Sullivan County, to invest \$250,000 each to help with the start-up costs, noting that Sullivan County unanimously approved a resolution last night in support of this project. The company also wishes to lease the prospective building initially from the Kingsport Economic Development Board with plans to purchase it after their credit in the United States has been established. The KEDB is requesting the City to guarantee payment on the building loan if this company were to default on the lease. Mr. Venable also stated as it is policy to not take property off of the tax rolls, the business will also make an annual payment in lieu of taxes while the building is owned by the KEDB. City Manager Campbell clarified for Alderman Munsey that these payments could be made by the City without an increase in the property tax. Discussion ensued on the risks and benefits of supporting this project. KEDB representative Larry Estep stated he felt it was an appropriate risk, relying on the State's confidence in the project through generous incentives and the performance provisions they would require. Vice-Mayor Mallicote noted the only real risk was if the business failed.

Motion/Second: Shupe/Parham, to pass:

**Resolution No. 2011-144**, A RESOLUTION TO APPROVE AN AGREEMENT WITH THE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF KINGSFORT AND AN INTERLOCAL AGREEMENT WITH SULLIVAN COUNTY, TENNESSEE PERTAINING TO CERTAIN ECONOMIC DEVELOPMENT MATTERS SET OUT HEREIN; TO AUTHORIZE THE MAYOR TO EXECUTE SUCH AGREEMENTS AND TO EXECUTE ALL DOCUMENTS AND DO ALL ACTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THIS RESOLUTION; TO EXPRESS THE INTENT OF THE BOARD TO ESTABLISH ONE OR MORE PROJECT ACCOUNTS IN AN ORDINANCE APPROPRIATING FUNDS TO EFFECTUATE THE PURPOSE OF THIS RESOLUTION; AND TO FIX THE EFFECTIVE DATE OF THIS RESOLUTION

Passed: All present voting "aye."

NOTE: Alderman Parham left the meeting at 7:50 p.m. after voting on this item.

**E. APPOINTMENTS/REAPPOINTMENTS.**

1. **Consideration of a Reappointment to the Beverage Board**  
(AF: 395-2010).

Motion/Second: Joh/Shupe, to approve the following:

REAPPOINTMENT OF MR. WILLIAM "BILL" BOVENDER TO SERVE ANOTHER THREE-YEAR TERM ON THE **KINGSFORT BEVERAGE BOARD** EFFECTIVE JANUARY 1, 2011, AND EXPIRING DECEMBER 31, 2013

Passed: All present voting "aye."



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**2. Consideration of Appointments and Reappointments to the Senior Center Advisory Committee (AF: 396-2010).**

Motion/Second: Joh/Shupe, to approve the following:

REAPPOINTMENT OF JUNE LANE, DON ROYSTON, SANDRA VAUGHN, ROBERT WINSTEAD AND RICK CURRIE AND APPOINTMENT OF WAYNE MCCONNELL AND LARRY FLEENOR - ALL TO SERVE TWO-YEAR TERMS ON THE **SENIOR CENTER ADVISORY COMMITTEE** EFFECTIVE JANUARY 1, 2011 AND EXPIRING DECEMBER 31, 2012

Passed: All present voting "aye."

**VII. CONSENT AGENDA.**

**Consent Agenda items are considered under one motion.**

**NOTE:** Item VII.6 was pulled from the consent agenda at the request of Alderman Munsey for separate discussion.

Motion/Second: Joh/Shupe, to adopt/approve:

**1. Consideration of a Budget Ordinance Transferring Funds from the Lynn View Park/Rock Springs Park Project and to Appropriate Funds Received from Donations (AF: 382-2010).**

Adopt:

**Ordinance No. 6051**, AN ORDINANCE TO AMEND THE GENERAL PROJECT FUND BUDGET FOR THE FISCAL YEAR ENDING JUNE 30, 2011; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Joh, Mallicote, Munsey, Shupe and Phillips voting "aye."

**2. Consideration of a Budget Ordinance Appropriating Funds Received from Food City for the Sale of the Property Located on Roller Street to the Quebecor Project and to the Surplus Storage Building Project (AF: 383-2010).**

Adopt:

**Ordinance No. 6052**, AN ORDINANCE TO AMEND THE GENERAL PROJECT FUND BY APPROPRIATING FUNDS FOR THE SALE OF THE PROPERTY LOCATED ON ROLLER STREET FOR THE FISCAL YEAR ENDING JUNE 30, 2011; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Joh, Mallicote, Munsey, Shupe and Phillips voting "aye."



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**3. Consideration of an Ordinance to Appropriate Cultural Arts Funding Received from Grants and Donations (AF: 380-2010).**

Adopt:

**Ordinance No. 6053**, AN ORDINANCE TO AMEND THE GENERAL PROJECT-SPECIAL REVENUE FUND BUDGETS BY APPROPRIATING FUNDS RECEIVED FROM DONATIONS FOR THE YEAR ENDING JUNE 30, 2011; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Joh, Mallicote, Munsey, Shupe and Phillips voting "aye."

**4. Consideration of a Budget Ordinance Appropriating Funds Received from the Tennessee Department of Transportation for the Safe Routes to Schools Grant for Roosevelt, Kennedy and Jackson Elementary Schools (AF: 385-2010).**

Adopt:

**Ordinance No. 6054**, AN ORDINANCE TO AMEND THE GENERAL PROJECT FUND BUDGET BY APPROPRIATING GRANT FUNDS RECEIVED FROM THE TENNESSEE DEPARTMENT OF TRANSPORTATION FOR THE FISCAL YEAR ENDING JUNE 30, 2011; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Joh, Mallicote, Munsey, Shupe and Phillips voting "aye."

**5. Consideration of Approval of Offers for Easements and Rights-of-Way for Rock Springs Valley Area Sewer Extension Project (AF: 388-2010).**

Approve:

OFFERS FOR EASEMENTS AND RIGHTS-OF-WAY FOR THE ROCK SPRINGS VALLEY AREA SEWER EXTENSION PROJECT

Passed in a roll call vote: Joh, Mallicote, Munsey, Shupe and Phillips voting "aye."

**6. Consideration of Acceptance of FY10 Comprehensive Annual Financial Report (AF: 394-2010).** Alderman Munsey wanted to give the Board the opportunity to thank City Recorder Demming and City Staff on receiving a "clean opinion" on the audit report, noting this is the highest recognition that can be achieved. This is significant due to the increased amount of grants and number of transactions during the last fiscal year. He further stated that citizens should be comforted in knowing the City is in a good financial position. Mr. Demming stated he extended his appreciation to the many departments who had received these grants, noting without their cooperation and support their success would not have been possible. Mayor Phillips thanked the Audit Committee Board members: Vice-Mayor Mallicote, Alderman Joh and Alderman Munsey.

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Motion/Second: Munsey/Joh to accept:

ACCEPT THE ANNUAL FINANCIAL REPORT FOR THE FISCAL YEAR ENDING  
JUNE 30, 2010

Passed in a roll call vote: Joh, Mallicote, Munsey, Shupe and Phillips voting "aye."


**VIII. COMMUNICATIONS.**

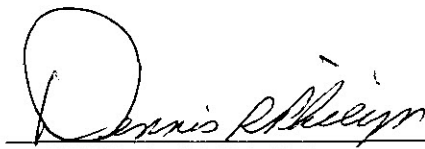
**A. CITY MANAGER.** Mr. Campbell mentioned the recent opening of the addition to the Meadowview Convention Center, noting the first scheduled events have received rave reviews. Mr. Campbell also pointed out a chart showing the options for parking in downtown when the Shelby Street lot closes on January 17, 2011 for construction of the parking garage. Additional signs will be posted. He further stated to remember this is short term and appreciates everyone's patience. Regions Bank has leased their lot to the City at no cost for additional parking spaces. Mr. Campbell also stated that Sullivan County and Bluff City felt good about the recent changes at the animal shelter. He also reminded everyone that City offices will be closed on December 23-24 and there will only be one BMA meeting in January, wishing a Merry Christmas and a Happy New Year.

**B. MAYOR AND BOARD MEMBERS.** Alderman Shupe thanked City employees and wished everyone a Merry Christmas. Alderman Joh pointed out that this has been a hard year for many people and reminded citizens to count their blessings and be kind to those less fortunate. She also wished everyone a Merry Christmas. Mayor Phillips stated it is a privilege to serve as Mayor of Kingsport and appreciates everyone on the Board. He also thanked citizens and employees who attend the regular business meetings.

**C. VISITORS.** None.

**IX. ADJOURN.** Seeing no other business for consideration at this meeting, Mayor Phillips adjourned the meeting at 8:45 p.m.

  
ANGELA MARSHALL  
Deputy City Recorder

  
DENNIS R. PHILLIPS  
Mayor